

# Appendix 3



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## **In The Matter Of**

**La Union Del Pueblo Entero, et al.,**

**Plaintiffs**

**v**

**State Of Texas, et al.,**

**Defendants**

## **CASE**

**5:21-cv-00844**

**Date**

**4-26-2022**

**Witness**

**Keith Ingram**

**Certified Copy  
Transcript**

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**5:21-cv-844 (XR)**  
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**Keith Ingram 183**  
**183**

1 in person interaction with one or more voters in the  
2 physical presence of an official ballot or a ballot  
3 voted by mail intended to deliver votes for a specific  
4 candidate or measure, do you see that?

5 **A. I do.**

6 Q. And we've touched on this briefly. For  
7 purposes of this section, what is The Secretary of  
8 State's position as to what an in person interaction is?

9 **A. Same as what we talked about before with**  
10 **regard to mail in ballot assistance?**

11 Q. And nothing beyond your earlier definition, is  
12 that correct?

13 **A. That's right.**

14 Q. What constitutes physical presence of an  
15 official ballot?

16 **A. Physical presence of an official ballot?**

17 Q. And what does that mean, sir?

18 **A. It means a ballot is physically present with**  
19 **the people who are talking.**

20 Q. I guess I'm looking for more clarity on what  
21 physically present as related to a ballot mean?

22 MR. JEFFERY WHITE: Objection form.

23 **A. Again, you understand our office is not a**  
24 **prosecutor. We're never going to enforce this language.**  
25 **We don't interpret this language, this is not us. So**

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**Keith Ingram 184**  
**184**

1 **I'm just a civil lawyer -- tort lawyer mainly, and you**  
2 **want me to talk about what a criminal standard is, I got**  
3 **nothing.**

4 Q. (BY MR. KANTERMAN) So you say you'll never  
5 enforce this provision. Does that mean you will never  
6 refer any complaints regarding physical presence of an  
7 official ballot to the agent office for prosecutor?

8 MR. JEFFERY WHITE: Object to form.

9 **A. If we get a complaint with regard vote**  
10 **harvesting, I'll look at this and see if I think there's**  
11 **a reasonable cause to suspect a crime has occurred, and**  
12 **I might refer to the attorney general, if I think it**  
13 **does. That's the limit of our involvement. And our**  
14 **agency does not express opinions about any of this**  
15 **stuff, because this is not ours to express an opinion**  
16 **about.**

17 Q. (BY MR. KANTERMAN) And so as your office  
18 would look, let me ask a different question.

19 **A. I could send something over to Jonathan White,**  
20 **and Jonathan White would say, let's keep smoking,**  
21 **dismissed, right? I mean, I don't have any control over**  
22 **the prosecution; do you know what I'm saying? This**  
23 **isn't -- we don't do this.**

24 Q. And so sitting here today, you don't have a  
25 precise definition of what "physical presence" means as

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**Keith Ingram 185**  
**185**

1 used in this section, correct?

2 **A. I have a layperson's understanding of**  
3 **what I think it means, yeah.**

4 Q. And I'm not asking for your layperson  
5 understanding, I'm asking for the Secretary of State's  
6 Office --

7 **A. The Secretary of State doesn't have position**  
8 **on that.**

9 Q. So I just want to be very clear with the  
10 record. The Secretary of State's office does not have a  
11 position on what the phrase "physical presence of an  
12 official ballot" means as used in Section 7.04 of SB 1,  
13 correct?

14 **A. Other than Keith Ingram's lay opinion, as he**  
15 **reads a complaint and decides whether or not to refer to**  
16 **the attorney general?**

17 Q. And we can get Mr. Ingram's lay opinion of  
18 that at some later time, but that was not my question.  
19 My question was whether or not the Secretary of State of  
20 -- well, my question was based on your testimony, isn't  
21 it true, the Secretary of State's office does not have a  
22 position as to what the definition of "physical presence  
23 of an official ballot" means, as that term is used  
24 within Section 7.04 of SB 1?

25 **A. Do you understand the Secretary of State's**

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**Keith Ingram 186**  
**186**

1 **office is charged with reviewing election law complaints**  
2 **and deciding whether or not there's reasonable cause to**  
3 **suspect a crime has occurred based on the information**  
4 **provided. Secretary of State's office does that.**  
5 **Secretary of State's office does that through the**  
6 **mechanism of Keith Ingram reading it and applying his**  
7 **lay opinion?**

8 Q. I appreciate that, sir. My question is still  
9 different.

10 **A. No, it's not. It's not different at all, and**  
11 **I've answered your question.**

12 Q. I'm going to ask it again because I don't  
13 think you have. And that is, is it your testimony, that  
14 the Secretary of State's office does not have a position  
15 as to the definition of physical presence of what the  
16 meaning of physical presence of an official ballot  
17 means, as used the Secretary 7.04 of SB 1?

18 MR. JEFFERY WHITE: Objection, form.

19 **A. I have answered that question.**

20 Q. (BY MR. KANTERMAN) Than I beg for you to  
21 answer it again, please. It's a simple yes or no  
22 question.

23 MR. JEFFERY WHITE: Objection, form.

24 **A. It is not a simple yes or no question and I've**  
25 **answered it.**

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**Keith Ingram 204**  
**204**

1 registered voters is the highest in 28 years as Texans  
2 exercise their right to vote", do you see that?

3 **A. I do.**

4 Q. And so pointing you towards the statement  
5 "resounding success" in that paragraph, do you see it  
6 now?

7 **A. I did see it before but I didn't see primary**  
8 **before.**

9 Q. Okay. So let me --

10 **A. And I still don't.**

11 Q. Let me withdraw my comment about it being  
12 related to the primary.

13 What election is this comment issued in  
14 response to?

15 **A. The General Election in November of 2020?**

16 Q. Okay. Following the general election in  
17 November of 2020, then Secretary Hughs issued this  
18 statement that is Exhibit 22, correct?

19 **A. I agree with that.**

20 Q. And Secretary Hughs called the November 2020  
21 election a "resounding success", is that correct?

22 **A. I agree with that.**

23 Q. Do you know what Secretary Hughs' basis in  
24 making that statement was?

25 **A. Sure. She says.**

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**Keith Ingram 205**  
**205**

1 Q. And so beyond the text of Exhibit 22, does  
2 your office have an understanding for what Ms. Hughs  
3 considered when issuing this statement?

4 **A. The reason behind this statement, the point of**  
5 **making this statement and putting it out for public**  
6 **release, was to commend the counties for pulling off a**  
7 **good election in the middle of a pandemic. You know, we**  
8 **were all anxious going into it, as to whether or not it**  
9 **would be a success or not.**

10 **And the counties applied imaginative**  
11 **creativity and setting up polling places in such a way**  
12 **that the voters and the workers were protected from**  
13 **transmitting the disease to one another. And it was**  
14 **just a remarkable thing to have a record number of**  
15 **voters vote without any problem in the middle of a**  
16 **pandemic.**

17 **You don't understand the number of**  
18 **challenges that we worked through with the counties, you**  
19 **know, the July primary runoff was postponed to July, and**  
20 **that delay gave us the July runoff as an opportunity to**  
21 **pilot some thoughts about how to make this safer, and**  
22 **refined those thoughts going into November.**

23 **And that's why our county advisory group**  
24 **was started back in April of 2020, is to work through**  
25 **logistics on how in the world do you have an election in**



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**Keith Ingram 206**  
**206**

1 the middle of a pandemic and keep voters safe and keep  
2 poll workers safe, because this has never been done  
3 before.

4 In 2014, we had an Ebola outbreak in  
5 Dallas that is as close as we've come to having this  
6 kind of problem. And it was just remarkable how well  
7 the counties did under the circumstances. And November  
8 2020, wasn't a super spreader event.

9 As far as I know, there was only one  
10 claim of COVID transmission as a result of the 2020  
11 election. And that was a poll worker who worked over  
12 voting and Travis County, that I know is the only even  
13 claim of a transmission of COVID.

14 So under the circumstances presented by  
15 this election, it was a resounding a remarkable success.  
16 That doesn't mean there weren't problems, it doesn't  
17 mean that Tarrant County didn't have to remake 16,000  
18 ballots that wouldn't scan. That didn't mean that there  
19 weren't issues all across the State in Harris County  
20 with regard to drive in voting, we had a number of  
21 issues.

22 But overall, under the circumstances, in  
23 a pandemic, we had an election dadgummit, and it wasn't  
24 just an election, it was a general election with the  
25 highest turnout ever, and we did it safely. And it was